**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/511,177
Filing Date	October 14, 2004
First Named Inventor	George Braoudakis
Art Unit	3727
Examiner Name	Elkins, Gary E.
Attorney Docket Number	PMO-PT039

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Second Preliminary Amendment; Communication Re Favorable IPER By IPEA/AU In Corresponding International Application; Second Substitute Specification; International Preliminary Examination Report; Claims of Published PCT Application (Pgs. 20-24).
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	VOLPE AND KOENIG, P.C.		
Signature			
Printed name	Dimitri P. Dovas		
Date	7/14/2005	Reg. No.	51,627

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Dimitri P. Dovas	Date	7/14/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

George Braoudakis

Application No.: 10/511,177

Confirmation No.: 1955

Filed: October 14, 2004

For: PIZZA BOX WITH REMOVABLE
PORTIONS USED AS REWARD TOKENS

Group: 3727

Examiner: Elkins, Gary E.

Our File: PMO-PT039

Date: July 14, 2005

**COMMUNICATION RE FAVORABLE IPER BY
IPEA/AU IN CORRESPONDING INTERNATIONAL APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is to advise the Examiner of the favorable International Preliminary Examination Report (IPER) issued by the Australian Patent Office acting as International Preliminary Examination Authority in a corresponding international application. A copy of the IPER is enclosed.

The PCT claims correspond to claims in this U.S. application, as amended by the enclosed Second Preliminary Amendment. A copy of the approved claims as published is also enclosed.

Applicant: George Braoudakis
Application No.: 10/511,177

In view of the fact that PCT claims 1-11 and 13 have all been found to meet the international standards of patentability, prompt examination and allowance are respectfully requested.

Respectfully submitted,

George Braoudakis

By 

Dimitri P. Dovas
Registration No. 51,627
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

DPD/vs
Enclosures

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 300331wo	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/000462	International Filing Date (day/month/year) 17 April 2003	Priority Date (day/month/year) 17 April 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ B65D 5/22, 5/66, 5/42, 85/36		
Applicant BRAOUDAKIS, George		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 40 sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12 October 2004	Date of completion of the report 10 March 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  ADRIANO GIACOBETTI Telephone No. (02) 6283 2579

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed.
- ☒ the description, pages , as originally filed,
pages 1, 5-19 filed with the demand,
pages 2-4 received on 24 February 2005 with the letter of 24 February 2005
- ☒ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages 22-24 filed with the demand,
pages 20, 21 received on 9 March 2005 with the letter of 9 March 2005
- ☒ the drawings, pages , as originally filed,
pages , filed with the demand,
pages 1/16-16/16 received on 24 February 2005 with the letter of 24 February 2005
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos: 12, 14-22

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claim Nos. 12, 14-22

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Preliminary Examining Authority has found that there are different inventions as follows:

1. Claims 1 to 11 and 13 are directed to a container (or container blank) including the features of a "pizza" box of two main panels with a joining panel between them, a plurality of side walls depending from the main panels wherein one or more of the side walls have an outer wall panel and an inner wall panel to form a roll-over wall, and the roll-over wall having one or more removable portions. It is considered that the features of the "pizza" box and the one or more removable portions comprises a first "special technical feature".
2. Claim 12 is also directed to a container including features of a "pizza" box of two main panels with a joining panel between them, a plurality of side walls depending from the main panels wherein one or more of the side walls have an outer wall panel and an inner wall panel to form a roll-over wall, and one or more of the inner wall panels include a lateral extension which may be folded to form a chamber adjacent a corner. It is considered that the features of the "pizza" box and the lateral extension which is folded to form a chamber comprises a second "special technical feature".

(Continued on Supplemental Sheet)

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-11, 13

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-11, 13	YES
	Claims	NO
Inventive step (IS)	Claims 1-11, 13	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-11, 13	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)Cited Prior Art Documents

D1: US 5725146 A (LUBERTO) 10 March 1998

D2: AU 36854/97 (687719) B (HYPE PTY LTD) 26 February 1998

D3: US 5934549 A (BAUMGARTNER et al.) 10 August 1999

D4: US 5961035 A (CORRELL) 5 October 1999

D5: GB 2262508 A (LIN PAC CONTAINERS INTERNATIONAL LIMITED) 23 June 1993

D6: US 5465837 A (FOCKE) 14 November 1995

D7: DE 20011513 U1 (KOSINA) 28 December 2000

NOVELTY(N) AND INVENTIVE STEP(IS): Claims 1-11, 13 (YES)

None of the above documents D1 to D7, taken singly or in obvious combination, disclose all the features of the first invention. That is, the documents do not teach or fairly disclose the particular constructional features of the container such as the inner wall panel having one or more removable portions, and that the strength properties of the container remain substantially unaffected upon removal of any one or more of the removable portions. Therefore the invention as defined in these claims is considered to be novel and involve an inventive step over the above prior art documents.

Consequently the invention as defined in claims 1-11 and 13 meets the requirements of Articles 33(2) and 33(3) of the PCT with regard to novelty and inventive step.

INDUSTRIAL APPLICABILITY(IA): Claims 1-11, 13 (YES)

The invention as defined in claims 1-11 and 13 meets the requirement of industrial applicability under Article 33(4) of the PCT because the container can be made or used in industry.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box IV

3. Claims 14 to 17 are directed to a method of promoting goods and/or services including providing a container having one or more removable portions, and providing markings on the removable portions indicating promotional advertising, discounts, prizes, special offers or the like. It is considered that the features of the method of promoting goods and/or services by providing a container with one or more removable portions, and providing markings on the removable portions comprises a third "special technical feature".
4. Claims 18 to 22 are directed to a method of decreasing overheads of a business providing goods in a container, the method including: providing one or more removable portions with the container; obtaining payment from one or more other businesses to advertise other goods and/or services; and providing markings on the removable portions indicating the advertising of the other businesses thereon whereby the cost of the advertising and at least some of the overhead associated with the production of the container may be offset by the payment obtained from the other businesses. It is considered that the features of the method of decreasing overheads of a business providing goods in a container comprises a fourth "special technical feature".

These groups are not so linked as to form a single general inventive concept, that is, they do not have any common inventive features, which define a contribution over the prior art. The common concept linking together some of these groups of claims is a container with one or more removable portions. However this concept is not novel in the light of prior art information contained in the following documents (a) US 5074462 A (COUNTEE JR.) 24 December 1991, (b) US 4108350 A (FORBES JR.) 22 August 1978, and (c) US 6027018 A (YOCUM) 22 February 2000.

Therefore these claims lack unity a posteriori.

Please note that because no additional search fees were paid, the International Search Report was restricted to the first invention claimed in claims 1 to 11 and 13. Consequently, the International Preliminary Examination must be likewise restricted, without the need to issue an invitation to so restrict it.